



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 8, MONTANA OFFICE
FEDERAL BUILDING, 10 West 15th Street, Suite 3200
HELENA, MONTANA 59626**

Ref: 8MO

May 6, 2009

Mr. Tom Martin, P.E.
Bureau Chief, Environmental Services Bureau
Montana Dept. of Transportation
2701 Prospect Avenue, P.O. Box 202001
Helena, MT 59620-1001

and

Alan C. Woodmansey, P.E.
Operations Engineer
Montana Division, Federal Highway Administration
585 Shepard Way
Helena, Montana 59601

Re: CEQ # 20090099; Comments on U.S. 212
Reconstruction, Rockvale to Laurel, Final
Environmental Impact Statement

Dear Mr. Martin and Mr. Woodmansey:

The Environmental Protection Agency (EPA) Region VIII Montana Office has reviewed the Final Environmental Impact Statement (FEIS) for the U.S. Highway 212 Reconstruction, Rockvale to Laurel Project, in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

We appreciate receipt of responses to EPA's DEIS comments in the Appendices of the FEIS. While we have some environmental concerns regarding the preferred alternative, Alternative 5B, involving construction of a four-lane highway on a new alignment closer to the Yellowstone River while leaving the existing roadway in place, we realize all the other build alternatives also involve construction of a four-lane roadway on a new alignment, and would have similar potential adverse impacts (e.g., erosion and sediment production/transport both during and after construction with associated adverse impacts to water quality, wetlands, vegetation, farmland, wildlife habitat and wildlife movement). We also recognize the need to accommodate growing traffic volume; provide mobility for goods and people; improve safety for local, regional tourist, and commercial truck traffic; and manage access for local roadways and land use. Alternative 5B appears to have slightly less impacts to wetlands than Alternative 2, Alternatives 3A and 3B, and less floodplain impacts than Alternatives 1 and Alternatives 3A and 3B. Accordingly, we support the selection of Alternative 5B as the preferred alternative.



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We are pleased that the Montana Dept. of Transportation (MDT) will coordinate with Montana Dept. of Environmental Quality (MDEQ) in regard to assuring consistency of highway construction activities with MDEQ's development of the Clarks Fork Yellowstone River Total Maximum Daily Load (TMDL), which is scheduled for completion by 2012. We are also pleased that an erosion and sediment control plan will be prepared to assure compliance with the Montana Pollutant Discharge Elimination System (MPDES) stormwater runoff requirements. We understand that a Wetland Mitigation Plan will be prepared during the final design process, and that MDT will make every effort to replicate the functions and values of wetlands impacted by highway construction in coordination with the Clean Water Act Section 404 permitting program administered by the U.S. Army Corps of Engineers.

We appreciate the opportunity to review and offer comments during the NEPA process. If you have any questions please contact Mr. Steve Potts of my staff in Helena at (406) 457-5022 or in Missoula at (406) 329-3313. Thank you for your consideration.

Sincerely,

John F. Wardell
Director
Montana Office

cc: Larry Svoboda/Connie Collins, EPA, 8EPA-N, Denver